

REMARKS

The Office examined claims 1-13 and rejected same. With this paper, the claims are unchanged, and reconsideration is requested.

In a telephone interview with the Examiner on 19 June 2007, the Examiner suggested that if the limitations of claim 4 were added to those of the independent claims, the claims would be distinguished from the teachings of the art applied in the final Office action. Applicant's attorney suggested that the claims already do distinguish over the applied art, and thus no agreement was reached.

The independent claims are 1, 2, 5, 10 and 13.

Claim rejections under 35 U.S.C. §103

At page 2 of the Office action, claims 1-13 are rejected under 35 USC 103(a) as being unpatentable over Stefik (US 5,715,403) in view of Grawrock *et al.* (US 2004/0093506).

As noted in response to the previous Office action, Stefik discloses a repository of works on a computer--the repository. A request for a work on the repository can be made by another computer--a client computer. The request is granted or not, depending on rights that are associated with the work. A credit server bills the client, and the bill can be provided by a billing clearinghouse. Grawrock discloses user equipment hosting a browser and accessing a computer over the Internet.

As in the previous Office action, with regard to claim 1 the Office asserts that Stefik discloses each of the claimed elements, except for use of a browser, for which teaching the Office relies on Grawrock.

Comparison of Stefik (and Grawrock) with the invention as in the independent claims.

As discussed with the Examiner in the telephone interview of June 19, 2007, and referring to Exhibit A, Stefik discloses a repository of works on a computer--called the repository. A creator of works provides the works to the repository. A request for a work on the repository can be made by another computer--called a client computer. The other computer can also be another repository. The request is granted or not, depending on rights that are associated with the work. A credit server bills the client (and the bill can be provided by a billing clearinghouse). When the other computer is a second repository, both the first and second repository generate billing information and transmit it to the credit server. Figure 1 is illustrative. The billing is disclosed as possibly being based on "can be based on "metering," which applicant's attorney supposes may encompass billing based on how long a user views the work, as in the invention, although this is never made clear. Stefik nowhere discloses how metering is done, except to note (Figure 18, step 1818) that the "elapsed time" is subtracted from the "remaining use time" by the "Server" (which would be "Repository 1" in the scenario of Figure 1, whereas the "Requester" of Figure 18 would be "Repository 2"). So presumably, the Server/ Repository 1 somehow times the usage.

The combination of the teaching of Grawrock with Stefik made by the Office is understood by applicant as merely a teaching that a user could use a browser on a computer to request a work from the repository. There is no teaching by Grawrock of providing any particular exercisable links on web pages, let alone the links recited in the independent claims, nor does the Office assert there is any such teaching.

Referring now to Exhibit B, provided there as illustrative of the similarities and differences of the invention (of Barber)

compared to Stefik, the invention as in all the independent claims (and as recited in particular in claim 1) requires:

- a) when a consumer visits a vendor network address and decides to purchase access to information made available over the computer network by the vendor, having the consumer exercise a third-party link that will connect the consumer to the third party, i.e. providing such a third-party link in such a way that for access to the information, the consumer must exercise the link, which results in the third party receiving an indication that the consumer (computer/ browser) has exercised the link;
- b) having the third party provide to the consumer an exercisable start-session link for starting access to the information; and
- c) having the third party both begin timing access and redirect the consumer to the information if the consumer exercises the start-session link;

wherein the third-party link and the start-session link are links on respective pages for presentation to the consumer by a browser hosted by equipment operated by the consumer.

Both Stefik (apparently) and the invention as claimed have billing based on metered use, i.e. based on timing the length of use of requested information. But Stefik nowhere discloses a mechanism for enabling metering such use, and the invention as claimed is to a critical component of just such a mechanism, namely the exercisable start-session link provided by the third party to the consumer. Stefik discloses no such component, but merely discloses "metered use" billing (col. 17, line 15) and "'meter time,' that is, a measure of the time that the rights is actually exercised" (col. 22, line 23), and also, at col. 30, line 16:

An Begin-charges transaction to assign a charge. This transaction is much the same as an assign-fee

transaction except that it is used for metered use. It includes the same information as the assign-fee transaction as well as the usage fee information. The credit-server is then responsible for running a clock. [Emphasis added.]

Since the credit server of Stefik is disclosed as running a clock, the credit server of Stefik must be equated to the third party of the invention as claimed. Thus, the invention is illustrated in Exhibit B so as to make the equation of the third party and the credit server more evident. The "Repository 1/ Server" of Stefik must then be equated to the "Vendor" of the invention as claimed.

Thus, and bearing in mind that the recited third party of the invention must be equated to the credit server of Stefik, the claimed invention is distinguished in several respects from the teachings of Stefik (with or without any teaching of use of a browser as taught by Grawrock). First, and most importantly, in the invention it is the *third party* that not only starts the clock to time access, but at the same time provides the requested work (via redirection, i.e. the third party communicates an address to the user computer/ browser where the requested information is located). Stefik, on the other hand, has the Respository 1/ Server (which must be likened to the vendor in the invention) provide a copy of the requested information. Secondly, where Stefik nowhere discloses any mechanism for starting a clock to time access (except for disclosing a "begin-charges billing transaction," the invention as claimed has the third party provide to the user a start session link that in effect serves as a trigger, pulled by the user, for starting the clock at the third party. Stefik provides nothing like this. In Stefik, where both Repository 1 and Repository 2 provide billing information (in case one or the other is dishonest), it seems that both provide a "begin-charges billing transaction," which is then used by the credit server to figure out when to start the clock. Both such

transactions are presumably based on when Repository 1 provides the requested work to Repository 2. It is hard to see how this is in any way similar or analogous or suggestive of the user-trigger provided by the invention, i.e. the start-session link.

For these reasons, applicant respectfully submits that all the rejections should be withdrawn.

Accordingly, applicant respectfully requests that all rejections under 35 USC §103 be reconsidered and withdrawn.

Conclusion

For all the foregoing reasons it is believed that claims 1-13 are in condition for allowance and their passage to issue is earnestly solicited.

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Date

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224

tel: (203) 261-1234
Cust. No.: 004955

Respectfully submitted,



James A. Retter
Registration No. 41,266
Patent Agent for the Applicant